

Fountain Creek Watershed Governing Board
MINUTES
January 16, 2009

The meeting was held at:
City of Fountain, City Hall
116 S. Main Street, 2nd Floor
Fountain, CO 80817

1. **CALL TO ORDER AND INTRODUCTIONS:**

El Paso County Commissioner Dennis Hisey called the meeting to order at 2:15 p.m. In attendance were the following duly elected members of the Governing Board:

<u>Name</u>	<u>Appointing Authority</u>
Dennis Hisey	El Paso County
J. E. Chostner	Pueblo County
Larry Small	City of Colorado Springs
Gabriel Ortega	City of Fountain

Also in attendance were County Commissioner Sallie Clark of El Paso County and City Councilwoman Donna Ford of the City of Manitou Springs.

2. **DISCLOSURE OF CONFLICTS OF INTEREST REGARDING 1-16-09 AGENDA:** None.

3. **INTERIM ADMINISTRATIVE TASKS PENDING EXECUTION OF THE IGA BY OTHER SIGNATORIES:**

- a. A quorum was noted.
- b. Upon motion made, duly seconded and unanimously carried, the following temporary officers were elected by the Governing Board for a term of 30 days:

Dennis Hisey	Chairman
J.E. Chostner	Secretary

- c. Record Keeping:

Resolution No. 09-001

Upon motion made, duly seconded and unanimously carried, it was:

RESOLVED that copies of minutes and other pertinent documents shall be provided by the Secretary to each member of the Governing Board; and it was:

FURTHER RESOLVED, until such time as the audio recording of meetings of the Governing Board is feasible, written minutes of each meeting of the Governing Board shall be taken and maintained by the Secretary.

4. **COLORADO SUNSHINE LAW (C.R.S. § 24-6-402(2)) COMPLIANCE:**

Resolution No. 09-002

Upon motion made, duly seconded and unanimously carried, it was:

RESOLVED that notices of meetings of the Governing Board and all other notices required by law shall be posted in the Offices of the Board of County Commissioners of El Paso County and Pueblo County; and it was:

FURTHER RESOLVED that the Secretary shall maintain the minutes and other documents of the Governing Board and shall act as custodian of such records.

5. **STAFF SUPPORT BY SIGNATORIES:**

Resolution No. 09-003

Upon motion made, duly seconded and unanimously carried, it was:

RESOLVED that until legal counsel is retained by the anticipated District, El Paso County and Pueblo County shall make their Offices of County Attorney available to advise the Governing Board; and it was:

FURTHER RESOLVED that the Governing Board makes an informed consent to such legal representation and waives any conflict of interest resulting therefrom, in compliance with Rule 1.7 of the Colorado Rules of Professional Conduct; and it was:

FURTHER RESOLVED that the Chairman and Secretary of the Governing Board shall be responsible for the preparation of agendas for board meetings, and the Secretary shall be responsible for the distribution of proposed minutes and other records to members of the Governing Board.

6. **STATUS OF OTHER SIGNATORIES' EXECUTION OF THE IGA:**

There followed a discussion concerning other governmental entities signing the December 15, 2008 intergovernmental agreement ("IGA").

7. **TASKS AND SCHEDULE FOR 1ST QUARTER 2009:**

Following a discussion, it was decided that appointments to the Citizens Advisory Committee and/or Technical Advisory Committee shall be jointly announced by the Governing Board and governmental signatories to the IGA.

8. REVIEW OF DRAFT LEGISLATION FOR FORMATION OF THE DISTRICT:

The draft legislation was received by members of the Governing Board and their attorneys on the morning of January 16, 2009 and therefore, discussion of the proposed legislation was limited. Vice Mayor Small raised the issue of whether decisions on resolutions on policy and spending matters required the “super majority” votes of Board members “appointed” or merely “present” at a meeting.

Resolution No. 09-004

Following a discussion, upon motion made, duly seconded and unanimously carried, it was:

RESOLVED that the adoption of policy or spending resolutions by the Board would require the “super majority” votes (as outlines in paragraph 2.23 of the IGA) of the Directors appointed to the Board and not just those present at a meeting; and it was:

FURTHER RESOLVED that the Board recommends that proposed legislation creating the District would require a “super majority” of votes of Directors appointed for resolutions on policy and spending matters; and it was:

FURTHER RESOLVED that the quorum necessary for meetings which consider policy and spending resolutions be addressed in the bylaws.

Commissioner J. E. Chostner agreed to schedule a meeting with Senator Abel Tapia and Representative Marsha Looper, if requested by the legislators.

9. OTHER BUSINESS:

None.

10. PUBLIC COMMENT:

None.

11. EXECUTIVE SESSION:

None.

12. DATE, TIME, AND LOCATION OF NEXT MEETING:

Upon motion made, duly seconded and unanimously carried, it was resolved that the next meeting of the Governing Board would be 12:00 noon on Friday, January 23, 2009, at the Fountain City Hall, 116 S. Main Street, 2nd Floor, Fountain, CO 80817.

13. ADJOURN:

Upon motion made, duly seconded and unanimously carried, the meeting adjourned at 4:00 p.m.

J. E. Chostner, Secretary